

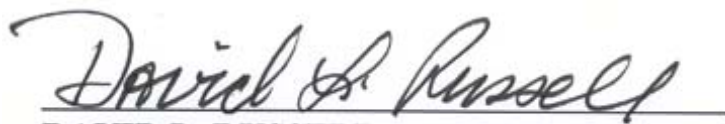
**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA**

<b>CHAD BROWN,</b>	)	
	)	
<b>Petitioner,</b>	)	
	)	
<b>v.</b>	)	<b>CIV-05-918-R</b>
	)	
<b>EDWARD L. EVANS,</b>	)	
	)	
<b>Respondent.</b>	)	

**ORDER**

Before the Court are the Report and Recommendation of United States Magistrate Judge Gary M. Purcell entered August 11, 2005 and Petitioner's Objection filed August 25, 2005. The Magistrate Judge recommended that Petitioner's motion to proceed in forma pauperis be denied and that the petition herein be dismissed unless Petitioner paid the full filing fee by August 31, 2005. In his Objection, Petitioner states that he should be allowed to pay a filing fee of \$5.00 pursuant to an "exception" set forth in 28 U.S.C. § 1914(a). However, \$5.00 as set forth in 28 U.S.C. § 1914(a) is the full filing fee for filing an application or petition for writ of habeas corpus in this Court and the "full filing fee" to which the Magistrate Judge referred. Petitioner did not pay it by August 31, 2005 and still has not paid it. Therefore, the Report and Recommendation of the Magistrate Judge is ADOPTED in its entirety, Petitioner's motion for leave to proceed in forma pauperis is DENIED and the petition herein is DISMISSED without prejudice to refile.

**IT IS SO ORDERED this 21st day of October, 2005.**

  
**DAVID L. RUSSELL**  
**UNITED STATES DISTRICT JUDGE**